

TITLE 1
COURTS AND COURT OFFICIALS

CHAPTER 7
DISTRICT COURTS

1-701. DISTRICT COURTS ESTABLISHED. District courts are hereby established to be held in each of the counties of the state which have been or may hereafter be organized by law, for the purpose of hearing and determining all matters and causes arising under the laws of this state.

[(1-701) R.S., sec. 6146; am. R.C., sec. 3829; am. 1911, ch. 4, sec. 1, p. 6; reen. C.L., sec. 3829; C.S., sec. 6454; I.C.A., sec. 1-701.]

1-702. DISTRICT JUDGES -- ELECTION AND TERM -- NEW DISTRICT JUDGESHIP AND APPOINTMENT TO FILL VACANCY. The district court is presided over by district judges chosen by the qualified electors of their respective districts for a term of four (4) years, except that upon the creation of a new district judgeship in any district or upon the appointment by the governor to fill a vacancy in a district judgeship in any district, such judge shall be appointed to hold office until the first Monday in January following the next general election for district judges occurring at least one (1) year following the date of the judge's appointment and until his successor is elected and qualified.

[(1-702) R.C., sec. 3829; am. 1911, ch. 4, sec. 1, p. 6; compiled and reen. C.L., sec. 3829a; C.S., sec. 6455; I.C.A., sec. 1-702; am. 2002, ch. 214, sec. 1, p. 593; am. 2007, ch. 1, sec. 1, p. 3.]

1-703. JURISDICTION OF JUDGES WHERE MORE THAN ONE -- ADMINISTRATIVE JUDGE. Where there is more than one (1) judge in any district, the jurisdiction of the respective judges of said district shall be equal and coextensive with the boundaries of the district. In each judicial district there shall be an administrative judge elected by a majority of the district judges within the district to serve for a period of time as provided by rules of the Idaho supreme court. In the event a majority of the district judges cannot agree as to who shall be the administrative judge, then the appointment of the administrative judge shall be by a majority of the Idaho supreme court justices for a period of time as provided by rules of the Idaho supreme court. The administrative judge is hereby granted all powers and duties heretofore or hereafter granted to the senior district judge, and the administrative judge shall apportion the business of such district among such judges as equally as may be, but any judge shall have full power to hold terms of court, transact judicial business, make orders, grant or refuse writs and generally exercise all the powers of a district judge without the concurrence of the other judge or judges. The administrative judge shall receive an annual salary in an amount of three thousand dollars (\$3,000) greater than the annual salary of a district judge to compensate for the additional duties of the office.

[(1-703) 1911, ch. 4, sec. 1, p. 6; compiled and reen. C.L., sec. 3829b; C.S., sec. 6456; I.C.A., sec. 1-703; am. 1973, ch. 306, sec. 1, p. 666; am. 1974, ch. 26, sec. 1, p. 804; am. 1985, ch. 29, sec. 2, p. 53;

am. 2004, ch. 320, sec. 1, p. 904; am. 2014, ch. 291, sec. 2, p. 734; am. 2017, ch. 168, sec. 2, p. 391.]

1-704. DISTRICT JUDGE -- POWER TO HOLD COURT IN ANOTHER DISTRICT. A district judge may hold a court in any county in this state upon the request of the judge of the district in which such court is to be held; and when by reason of sickness or absence from the state, or from any other cause a court cannot be held in any county in a district by the judge thereof, a certificate of that fact must be transmitted by the clerk to the governor or chief justice of the Supreme Court, who may thereupon direct some other district judge to hold such court.

[(1-704) C.C.P. 1881; R.S., R.C., & C.L., sec. 3886; C.S., sec. 6492; I.C.A., sec. 1-704; am. 1969, ch. 162, sec. 1, p. 496.]

1-705. JURISDICTION -- ORIGINAL AND APPELLATE. The district court has original jurisdiction:

1. In all cases and proceedings.
2. In the issuance of writs of mandamus, certiorari, prohibition, habeas corpus and all writs necessary to the exercise of its powers.
3. Its appellate jurisdiction extends to all cases assigned to magistrate's division of the district court; and to all other matters and cases wherein appeal is allowed by law.

[(1-705) R.S., sec. 3830; am. 1899, p. 125, sec. 1; compiled R.C. & C.L., sec. 3830; C.S., sec. 6457; I.C.A., sec. 1-705; am. 1969, ch. 107, sec. 1, p. 362.]

1-711. EXPENSES OF DISTRICT JUDGES. There shall be paid to each of the judges of the district courts, out of the state treasury, his actual and necessary expenses for subsistence and travel incurred while absent from the city of his resident chambers in attending to and performing his official duties.

[(1-711) R.S., sec. 6147; am. 1893, p. 66, sec. 1; reen. 1899, p. 181, sec. 1; reen. R.C., sec. 3836; modified by 1915, ch. 98, sec. 2, p. 237; compiled and reen. C.L., sec. 3836; C.S., sec. 6463; am. 1923, ch. 42, sec. 1, p. 47; I.C.A., sec. 1-711; am. 1963, ch. 101, sec. 1, p. 319.]